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OU#2 ISA END OF DISPUTE
U.S. DOE FERNALD
OH6 890 008 976

03-18-91

5HR-12
USEPA/DOE-FMPC
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LETTER



UNITED STATES ENVIRONMENTAL PF
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

1193

MAR 18 1991

REPLY TO ATTENTION OF:

5HR-12

Mr. Jack Craig
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Re: OU#2 ISA End of Dispute
U.S. DOE Fernald
OH6 890 008 976

Dear Mr. Craig:

On October 24, 1990, the United States Department of Energy (U.S. DOE) submitted a draft Initial Screening of Alternatives (ISA) report (a primary document) for Operable Unit (OU) #2 (Other Waste Units). The United States Environmental Protection Agency (U.S. EPA) disapproved this draft report on November 20, 1990. Pursuant to Section XII of the 1990 Consent Agreement, U. S. DOE was required to submit a revised draft ISA report that addressed all the deficiencies identified by U.S. EPA.

On January 9, 1991 U.S. DOE submitted a revised draft RI report to U.S. EPA. In accordance with Section XII.B of the Consent Agreement, U.S. EPA reviewed the revised ISA report. On February 15, 1991, U.S. EPA disapproved the revised draft ISA report and initiated dispute resolution in accordance with Section XII of the Consent Agreement. Deficiencies in the ISA report were presented in U.S. EPA's disapproval letter.

In a March 12, 1991, dispute resolution session, Ohio EPA, U.S. EPA, and U.S. DOE met to discuss the deficiencies in U.S. EPA's February 15, 1991, disapproval letter.

There were three major categories of issues identified in this letter:

1. Points of compliance (U.S. EPA comments numbers 7, 13, and 14);
2. Preliminary remediation goals (U.S. EPA comments 1, 9, 18, 20, 21, 23, 28, and 30); and
3. Misstatement of fact or inconsistencies in the text (all remaining comments).

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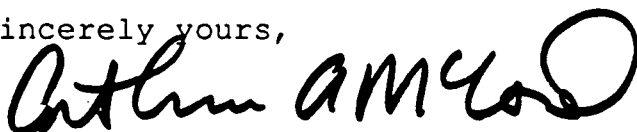
During the dispute resolution sessions, there were discussions of separating the comments regarding preliminary remediation goals from the ISA report. There was agreement that issues related to preliminary remediation goals did not have to be resolved in order to finalize the ISA report for OU #2. In order to do this, preliminary remediation goals that are consistent with the level of detail presented in U.S. EPA's comments, must be established before initiating the detailed analysis of alternatives. U.S. DOE agreed to submit a revised RI/FS work plan addendum that will provide the approach for establishing preliminary remediation goals. This alone does not satisfy the requirements for actually establishing the goals. The above-mentioned work plan addendum, or another document submitted to U.S. EPA for approval, must establish preliminary remediation goals.

In a March 15, 1991, letter, U.S. DOE proposed not addressing the issue of establishing a point of compliance for the perched water table aquifer. Under the current operable unit scheme, the perched groundwater is included in OU #2. Because several alternatives require remedial action for perched water, the point of compliance must be established in the ISA report.

U.S. EPA has determined that this dispute may end. In accordance with the 1990 Consent Agreement, U.S. DOE must submit a revised ISA report for OU #2 within twenty-one (21) days of the date of this letter. U.S. DOE must also submit the above-mentioned revised RI/FS work plan, or other document establishing preliminary remediation goals, prior to the detailed screening of alternatives.

Please contact me at (312/FTS) 886-4436, if there are any questions regarding this matter.

Sincerely yours,



Catherine A. McCord
Remedial Project Manager

cc: Thomas Winston, OEPA - CO
Graham Mitchell, OEPA - SWDO
Joe LaGrone, U.S. DOE - ORO
Pat Whitfield, U.S. DOE - HDQ